



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,370	09/08/2000	Greerson G. McMullen	GEH-01-062	3577

7590 11/18/2003

Armstrong Teasdale LLP
One Metropolitan Square
Suite 2600
St Louis, MO 93102

EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

09/658,370

Applicant(s)

MCMULLEN ET AL.

Examiner

Alexander Kalinowski

Art Unit

3626

All participants (applicant, applicant's representative, PTO personnel):

(1) Alexander Kalinowski.

(3) Patrick Rasche.

(2) William Zychlowicz.

(4) _____.

Date of Interview: 14 November 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1-27.

Identification of prior art discussed: Gibbs, Pat. No 5,836,529.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Alexander Kalinowski
ALEXANDER KALINOWSKI
PRIMARY EXAMINER
Art 3626

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Alexander Kalinowski
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants' Representatives discussed the claimed invention and how the invention distinguishes over the prior art, particularly the Gibbs reference. The Examiner suggested using additional language to more clearly define the limitation of "recommending business activities ..." found in independent claims 1 and 11 in order to overcome the Gibbs reference. Upon submission of a formal amendment, the Examiner reserves the right to conduct an additional search for prior art. .

For Discussion Purposes Only

GEH-01-062
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McMullen et al.

Art Unit: 3626

Serial No.: 09/658,370

Examiner: Kalinowski, Alexander

Filed: September 8, 2000

For: TOTAL TRANSPORTATION
MANAGEMENT SYSTEM

RECEIVED
CENTRAL FAX CENTER

NOV 13 2003

PROPOSED CLAIMS AMENDMENT
FOR DISCUSSION PURPOSES ONLY

IN THE CLAIMS

1. (previously presented) A method for managing a transportation system by a transportation business entity, said method comprising the steps of:

collecting at least one set of transportation data from at least one sub-system;

comparing the at least one set of collected transportation data set to at least one standard transportation data;

generating at least one problem area data set based upon the comparison of the collected and standard data; and

recommending business activities relating to managing the transportation business entity based on at least one of the generated problem area data set and the comparison of the collected and standard data.

2. (original) A method in accordance with Claim 1 wherein the at least one sub-system includes at least one of a wayside sub-system, a locomotive sub-system, a railcar sub-system, a yard sub-system, a schedule sub-system, a monitoring and diagnostic sub-system and a management making sub-system.

3. (original) A method in accordance with Claim 1 wherein collecting at least one set of transportation data from at least one sub-system comprises the step of collecting real-time data from at least one sub-system.

For Discussion Purposes Only

GEH-01-062
PATENT

4. (original) A method in accordance with Claim 3 wherein the transportation system includes at least one vehicle, said method further comprising the step of altering a performance of the vehicle based upon the problem area data set.

5. (canceled)

6. (original) A method in accordance with Claim 1 further comprising the step of identifying at least one source of delay.

7. (original) A method in accordance with Claim 6 wherein said step of identifying at least one source of delay comprises the step of identifying a defined quantity of largest source of delays.

8. (currently amended) A method in accordance with ~~Claim 1 wherein~~ Claim 7 wherein said step of identifying a defined quantity of largest source of delays comprises the step of a user selecting a number of largest source of delays.

9. (currently amended) A method in accordance with Claim 1 further comprising the steps of determining a predicted a ~~vehicle~~ a transportation system delay based upon the problem area data.

10. (canceled)

11. (previously presented) A management system for managing a transportation system by a transportation business entity, said system comprising:

at least one sub-system for collecting at least one set of transportation data;

a sub-system for comparing the at least one set of collected transportation data set to at least one standard transportation data;

a sub-system for generating at least one problem area data set based upon the comparison of the collected and standard data; and

a management and decision making sub-system that is configured to recommend business activities relating to managing the transportation business entity based on at least one of the generated problem area data set and the comparison of the collected and standard data.

For Discussion Purposes Only

GEH-01-062
PATENT

12. (original) A management system in accordance with Claim 11 wherein said at least one sub-system includes at least one of a wayside sub-system, a locomotive sub-system, a railcar sub-system, a yard sub-system, a schedule sub-system, a monitoring and diagnostic sub-system and a management or decision making sub-system.

13. (original) A management system in accordance with Claim 11 wherein said at least one sub-system for collecting at least one set of transportation data is configured to collect real-time data from said at least one sub-system.

14. (original) A management system in accordance with Claim 13, wherein

the transportation system includes at least one vehicle, said management system configured to alter a performance of at least one vehicle based upon the problem area data set.

15. (canceled)

16. (original) A management system in accordance with Claim 11 wherein said at least one sub-system is configured to identify at least one source of delay.

17. (original) A management system in accordance with Claim 16 wherein said at least one sub-system is further configured to identify a pre-defined quantity of largest source of delays.

18. (currently amended) A system comprising a plurality of sub-systems and a transportation business entity central data center, said system configured to:

collect at least one set of transportation data from at least one sub-system;

compare said collected transportation data set to at least one standard transportation data; and

generate at least one problem area data set based upon the comparison of the collected and standard data without human intervention; and

For Discussion Purposes Only

GEH-01-062
PATENT

recommend business activities relating to managing the transportation business entity based on at least one of the generated problem area data set and the comparison of the collected and standard data.

19. (canceled)

20. (currently amended) A system in accordance with Claim 18 further configured to determine a predicted ~~locomotive~~-delay based upon said problem area data.

21. (previously presented) A method in accordance with Claim 1 wherein generating at least one problem area data set based upon the comparison of the collected and standard data comprises identifying delays for each of at least one of a selected type of delay or failure.

22. (currently amended) A method in accordance with Claim 21 wherein said selected type of delay comprises at least one of ~~locomotive delays, railcar delays,~~ maintenance delays and broken track delays.

23. (previously presented) A method in accordance with Claim 21 wherein recommending business activities comprises sorting the identified delays based upon a magnitude of the delay.

24. (previously presented) A method in accordance with Claim 1 wherein recommending business activities relating to managing the transportation business entity comprises at least one of predicting a life of a railcar and predicting a maintenance cost of the railcar over the life of the railcar.

25. (previously presented) A method in accordance with Claim 1 wherein generating at least one problem area data set based upon the comparison of the collected and standard data recommending comprises determining shipment damage locations.

26. (previously presented) A method in accordance with Claim 1 wherein recommending business activities relating to managing the transportation business entity comprises determining at least one of an insurance claim type, a quantity of insurance claims, and a risk profile of at least one of a transportation carrier, railcar car, and a route.

For Discussion Purposes Only

GEH-01-062
PATENT

27. (previously presented) A method in accordance with Claim 1 wherein recommending business activities relating to managing the transportation business entity comprises providing real-time transportation entity management with real-time transportation system-wide problem area data sets.

28. (previously presented) A system in accordance with Claim 11 comprising a management and decision making sub-system configured to provide transportation entity management with real-time transportation system-wide problem area data sets.

29. (new) A method in accordance with Claim 1 wherein recommending business activities relating to managing the transportation business entity includes at least one of altering an asset allocation priority, generating a maintenance action, and altering the state of a transportation system environmental system.

30. (new) A system in accordance with Claim 20 wherein said predicted delay is generated from at least one of a transportation system component failure rate, a time required to complete a component maintenance action, and anticipated failure delay.

31. (new) A management system in accordance with Claim 11 wherein said management and decision making sub-system is further configured to determine at least one of where to place emergency equipment, where to build repair facilities, what components to stock with the emergency equipment, and what components to stock at a repair location.

32. (new) A management system in accordance with Claim 11 wherein said management and decision making sub-system is further configured to alter the status of a non-locomotive component in response to the generated problem area data set, wherein said non-locomotive component includes at least one of a repair vehicle, a maintenance work order, and a track capacity.

OFFICIAL
RECEIVED
CENTRAL FAX CENTER

ARMSTRONG TEASDALE LLP NOV 13 2003

One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
Phone: (314) 621-5070
Fax: (314) 621-5065
www.armstrongteasdale.com

Date/Time of Transmission: Thursday, November 13, 2003 4:04:00 PM

Please Deliver To:

Name: Alexander Kalinowski

Firm: USPTO

Tel:

Fax: 703-305-7687

Client/Matter #: 17104 / 46

From: William J. Zych ~~Phone:~~

Total pages including cover page: 06

If all pages are not received, please contact William J. Zychlewicz at ext.

Re:

The information contained in this facsimile message is information protected by attorney-client and/or the attorney/work product privilege. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by facsimile. If the person actually receiving this facsimile or any other reader of the facsimile is not the named recipient or the employee or agent responsible to deliver it to the named recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via U.S. Postal Service.

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT US IMMEDIATELY AT (314) 621-5070.*